

AT A MEETING OF THE MONTGOMERY COUNTY PLANNING COMMISSION ON JUNE 10, 2009 IN THE BOARD ROOM, SECOND FLOOR, COUNTY GOVERNMENT CENTER, CHRISTIANSBURG, VIRGINIA:

CALL TO ORDER:

Mr. Miller, Chair called the meeting to order and Mrs. Hopkins, established the presence of a quorum.

Present: Robert Miller, Chair
Walt Haynes, Vice Chair
Bryan Rice, Member
John Tuttle, Member
Ryan Thum, Member
David Moore, Member
Malvin Wells, Member
John Muffo, Board of Supervisors Liaison
Steve Sandy, Planning Director
Dari Jenkins, Planning & Zoning Administrator
Brea Hopkins, Zoning Technician
Jamie MacLean, Development Planner
Kevin Byrd, Comprehensive Planner
Marty McMahon, County Attorney

Absent: William Seitz, Secretary
Frank Lau, Member

Mr. Miller introduced and welcomed two new members, John Tuttle and Ryan Thum.

PUBLIC ADDRESS:

Mr. Miller opened the public address; however, there being no speakers the public address was closed.

APPROVAL OF AGENDA:

On a motion by Mr. Haynes, seconded by Mr. Rice, and unanimously carried the agenda was approved as amended with Bedford Falls being postponed until after S&P of Virginia, LLC public hearing.

APPROVAL OF CONSENT AGENDA:

On a motion by Mr. Haynes, seconded by Mr. Rice and unanimously carried the consent agenda was approved.

PUBLIC HEARING:

A request by S&P of Virginia, LLC (Agent: Balzer & Associates) for rezoning of approximately 21.13 acres from Agriculture (A1) to General Business (GB) and 14.19 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow various commercial uses and single family residential dwellings. In addition, a special use permit is requested in the General Business (GB) district to allow a convenience store with motor fuel sales. The property is located on the Southwest corner of the I-81, Exit 109 and Tyler Road (Rte. 600) intersection, 2735 Tyler Road, identified as Tax Parcel No(s). 104-A-32, 32A, 33 and 104-7-A, (Acct Nos. 018647, 011957, 019186, 023358), in the Riner Magisterial District. The property currently lies in an area designated as Urban Expansion in the

Comprehensive Plan and further designated as Planned Commercial and Planned Unit Residential in the Route 177 Corridor Plan with a maximum density of four (4) dwelling units per acre.

Mr. Miller introduced the request.

Mr. Byrd stated the request was to rezone approximately 21.13 acres to General Business and 14.19 acres to Residential (R3). He reviewed the maps, photos, concept plan, and video of the property. The site lies within the urban expansion, planned commercial, and planned residential area of the comprehensive plan. The parcel also lies within the Rt. 177 corridor. There is an agreement with the City of Radford for this site. The site lies within the area served by the Public Service Authority. Water can be provided by the PSA. Sewer can be provided; however, capacity is limited. Future connectivity of the road network has been planned within the residential area. The proposal also includes connecting Bains Chapel Road and Tyler Road with the installation of a round-about on Tyler Road. Forty (40) residential units with a trail and pocket park along with commercial uses, including a medical support area are proposed. All roads proposed will be state maintained. The traffic impact analysis needs to be resubmitted to VDOT to address their comments. Neal Turner, Emergency Services Coordinator, verified with Chesterfield County that there were no emergency issues with the roundabouts. Mr. Berenato with the school board has requested that bus size be considered when developing the roundabouts and indicated that school capacity issues may exist. There are new VDOT regulations that will be effective October 1, 2009. If approval is not achieved prior to that date then the development of the property is limited. The proposed project conforms with the 177 plan and the comprehensive plan. Proffers have been submitted. The applicant needs to address the Traffic Impact Analysis comments, review options for residential entrances, and finalize water and sewer issues. One resident has commented regarding multi-family housing and the possibility of connecting their existing residential subdivision to PSA water.

Mr. Moore stated since a connection closer to I-81 would not be allowed after October, what approvals are required to ensure the development can occur.

Mr. Byrd stated an approved rezoning with concept plan and proffered conditions is required.

Mr. Miller asked if the round-about would require realignment of Meadow Creek.

Mr. Byrd stated changes to Meadow Creek were not proposed at this time.

Mr. Miller opened the public hearing.

Mr. Semones, agent, stated staff has been excellent to work with on this application. He discussed the development access issues. Management regulations go into effect on October 1st and require at least 1300' from the interstate interchange to an entrance. The developer is attempting to obtain approval prior to the upcoming regulations. The round-about is preferred by VDOT; however, they have requested the one (1) lane round-about instead of the proposed two (2) lane roundabout. VDOT has strict guidelines as to how these roundabouts are to be constructed with little variation allowed. The proposal includes a hotel, gas station, restaurant, and medical support facilities as possibilities for the commercial area. Various traffic calming ideas are being researched for the residential area and intersection with Bains Chapel Road. The two biggest hurdles to overcome are the transportation and sewer issues. There are ongoing discussions with VDOT regarding their comments. Three (3) stormwater management areas are proposed. Pedestrian connection issues for residential lots that are not adjacent to the trail are being studied. A pump station on site will be required and should alleviate capacity issues. The developers are prepared to extend water and sewer from either the hospital or rest area at their cost.

Mr. Rice asked if parking in the residential area could be restricted to prevent on-street parking.

Mr. Semones noted that proffers regarding the type of housing, driveways, etc. have not been submitted; however, it may be possible to have a proffer that a review board will be established to assist with those type of issues.

Mr. Fronk, PSA stated he was concerned with sewer capacity issues especially with the possibility of multiple developments. The PSA is currently in communication with the City of Radford and discussing alternatives to address the concerns.

There being no further comments the public hearing was closed.

On a motion by Mr. Moore, seconded by Mr. Haynes and unanimously carried the planning commission tabled the rezoning and special use permit request by S&P of Virginia, LLC (Agent: Balzer & Associates) until the July meeting in order to allow the applicant additional time to address VDOT comments, sewer concerns, and explore traffic calming options for the proposed residential area.

A request by Bedford Falls Company for rezoning of approximately 0.923 acres from General Business (GB) to Residential (R3), with possible proffered conditions. The property is located at 1517 Fire Tower Road (Rte. 600), identified as Tax Parcel No. 90-A-29A, (Acct No. 020005), in the Riner Magisterial District. The property currently lies in an area designated as Medium Density Residential & Civic in the Plum Creek Village Plan in the Comprehensive Plan with a maximum density of two (2) dwelling units per acre.

Mr. Miller introduced the request.

Mrs. MacLean stated the request was to rezone property from General Business (GB) to Residential (R3). She reviewed the maps, photos and video of the property. The property is designated as Medium Density Residential and Civic in the Plum Creek Village plan. The property is currently used as a residential property. A single family dwelling is not permitted by right or by special use permit in the General Business zoning district making the use nonconforming. This prohibits selling the home since replacement would not be allowed in the event of a fire or damage. Repairs, restoration, and/or maintenance are limited to 50% of the current replacement value. The property is served by public water and sewer. If the rezoning is approved it will become part of an existing Residential (R3) district.

Mr. Miller opened the public hearing.

Mr. Dawson, owner noted he was reluctant to add proffers to the request because he wanted to ensure that it would not limit the development potential of the property.

There being no further comments the public hearing was closed.

On a motion by Mr. Rice, seconded by Mr. Wells and carried by a 7-0 vote (Seitz and Lau absent), the Planning Commission recommended approval of the request by Bedford Falls Company for rezoning of approximately 0.923 acres from General Business (GB) to Residential (R3).

Mr. Haynes departed the meeting.

An Ordinance amending Chapter 10 entitled Zoning, Section 10-41(2), Accessory Dwellings of the Code of the County of Montgomery, Virginia by amending when accessory dwellings are permitted structures in the Agricultural (A-1) and Conservation (C-1) zoning districts.

Mr. Miller introduced the proposed ordinance amendment.

Ms. Jenkins discussed the following proposed amendments to Section 10-41(2) Accessory Dwellings:

(a) In the A-1 Agricultural District and the C-1 Conservation District, accessory dwellings which are a detached structure not within the same structure as the principal dwelling are permitted provided that:

1. ~~No~~ The accessory dwelling shall be located on a parcel of not less than five (5) acres. For parcels with more than one (1) accessory dwelling, not more than one (1) additional accessory dwelling unit is permitted per each twenty (20) acres on any single parcel, in addition to the principal dwelling. Accessory dwellings shall not ~~may~~ include duplex unit types.
2. ~~No~~ The accessory dwelling shall not exceed two thousand (2,000) square feet in floor area, except that dwellings exceeding that floor area constructed prior to adoption of this chapter may be used for tenant purposes, but may not be expanded for such purposes.
3. The accessory dwelling may be permitted to have its own electrical service meter if the structure meets the dwelling unit separation requirements of the Virginia Uniform Statewide Building Code.

(b) In the A-1 Agricultural District and the C-1 Conservation District, accessory dwellings which are within the same structure as the principal dwelling are permitted provided that:

1. The accessory dwelling and principal dwelling shall be located on a parcel not less than two and one-half (2 ½) acres.
2. The accessory dwelling shall not exceed two thousand (2,000) square feet in floor area, but may contain all aspects of a separate dwelling unit including kitchen, bathroom, and bedroom facilities.
3. No accessory dwelling shall be established without prior written approval from the Virginia Department of Health as to the location and area for both the original and reserve drain fields and that the drain fields are adequate to serve both the main dwelling and the accessory dwelling.
4. No accessory dwelling shall be established without first obtaining a building permit to ensure compliance with building code requirements.
5. Not more than one (1) accessory dwelling shall be permitted within any single family principal dwelling and the accessory dwelling shall not have its own electrical service meter.

Mr. Rice noted the parcel limit should be two (2) acres versus the two and one-half (2 ½) acres. This would not defeat the density requirements and does not penalize people for having smaller lots.

Mr. Sandy stated the only issue would be density because consideration has to be given to parking, number of vehicles, etc.

Mr. Miller opened the public hearing; however, there being no speakers the public hearing was closed.

On a motion by Mr. Moore, seconded by Rice and unanimously carried (Haynes, Seitz and Lau absent) the planning commission recommended approval of the Ordinance amending Chapter 10 entitled Zoning, Section 10-41(2), Accessory Dwellings of the Code of the County of Montgomery, Virginia by amending when accessory dwellings are permitted structures in the Agricultural (A-1) and Conservation (C-1) zoning districts with the following revision:

1. The accessory dwelling and principal dwelling shall be located on a parcel not less than two and one-half (2 ½) acres.

An Ordinance amending Chapter 10 entitled Zoning, Section 10-38, Airport Safety Overlay District (ASO) of the Code of the County of Montgomery, VA by incorporating a map and terms defining the Airport Overlay Boundaries and by creating a notification area whereby the airport will be notified of proposed construction within the notification area.

Ms. Jenkins stated a revision was necessary to incorporate a map and terms defining the Airport Overlay boundaries in order to comply with FAA requirements.

Mr. Michael St. Jean, Director Virginia Tech Montgomery Executive Airport, discussed the proposed master plan. The master plan was updated in 2008 and incorporates a runway extension. If development is proposed within a notification area the FAA and Dept. of Aviation are given an opportunity to review the proposal and issue any comments regarding the impact of the proposed development on the airport and its' airspace.

Mr. Moore asked if there was a map showing existing penetration sites.

Mr. St. Jean, stated there were several sites such as Prices Mountain, High Knob, and other various terrain issues. In those areas additional development higher than the existing penetration zones would not be desired.

Mr. Dan McKinney, Campbell Paris Engineers, stated the goal of the airport is to formalize the notification agreement and not create additional approach issues. Towers, turbines, etc. are the main issues of concern. Development may be limited but construction dwellings would still be allowed.

Mr. Miller opened the public hearing; however, there being no comments the hearing was closed.

On a motion by Mr. Rice, seconded by Mr. Thum, and unanimously carried (Haynes, Seitz and Lau absent) recommended approval of the Ordinance amending Chapter 10 entitled Zoning, Section 10-38, Airport Safety Overlay District (ASO) of the Code of the County of Montgomery, VA by incorporating a map and terms defining the Airport Overlay Boundaries and by creating a notification area whereby the airport will be notified of proposed construction within the notification area.

An Ordinance amending Chapter 10 entitled Zoning, Sections 10-37, Flood Damage Prevention Overlay, of the Code of the County of Montgomery, VA by amending the flood damage prevention overlay by incorporating the new flood insurance study and flood insurance rate map for Montgomery County and by amending the qualifying regulated lands and the use limitations within those regulated lands and by adding a section of defined terms in the Flood Damage Prevention Overlay.

Ms. Jenkins stated an ordinance revision was necessary to meet FEMA requirements prior to the adoption of the new floodplain mapping. She discussed the proposed changes.

Mr. Miller opened the hearing; however, there being no comments the public hearing was closed.

On a motion by Mr. Wells, seconded by Mr. Tuttle, unanimously carried (Haynes, Seitz and Lau absent) recommended approval of the Ordinance amending Chapter 10 entitled Zoning, Sections 10-37, Flood Damage Prevention Overlay, of the Code of the County of Montgomery, VA by amending the flood damage prevention overlay by incorporating the new flood insurance study and flood insurance rate map for Montgomery County and by amending the qualifying regulated lands and the use limitations within those regulated lands and by adding a section of defined terms in the Flood Damage Prevention Overlay.

An Ordinance amending the Montgomery County, VA Planning and Zoning Fee Schedule to increase application and review fees approximately 25% for rezoning, special use permits, subdivisions, site plans, variances, comprehensive plan amendments and other similar land use related applications; add a new fee for family subdivision review and zoning permits; and require applicants to pay fees associated with all newspaper notifications.

Mr. Sandy discussed the proposed fee schedule. This was proposed as part of FY2010 budget recommendations.

Mr. Miller opened the hearing; however, there being no comments the public hearing was closed.

On a motion by Mr. Moore, seconded by Wells, and unanimously carried (Haynes, Seitz and Lau absent) recommended approval of the Ordinance amending the Montgomery County, VA Planning and Zoning Fee Schedule to increase application and review fees approximately 25% for rezoning, special use permits, subdivisions, site plans, variances, comprehensive plan amendments and other similar land use related applications; add a new fee for family subdivision review and zoning permits; and require applicants to pay fees associated with all newspaper notifications.

NEW BUSINESS:

None

OLD BUSINESS:

Floodplain map meetings

Mr. Sandy reviewed the meeting dates and locations. The meetings are to allow the citizens that are potentially affected an opportunity to review the new maps and ask questions relating to flood insurance requirements for their particular properties. The county sent approximately 1800 notices and the Towns mailed 400 notices. The maps will not change based on comments. Maps will be provided showing the aerial photo with proposed flood zone overlay at the meetings. DCR representatives will also be attending to answer any questions. For those who will be entering the flood zone and will be required to purchase flood insurance, they can obtain insurance prior to September at a lower preferred rate. Anyone is welcome to attend any of the meetings offered.

June 29th CPEAV Training

Mr. Sandy reported that CPEAV training will be held on June 29th.

Mr. Miller invited Mr. Tuttle and Mr. Thum to obtain the Planning Commissioner certification through CPEAV.

WORKSESSION:

None

LIAISON REPORTS:

Board of Supervisors

Mr. Muffo reported that the board is interviewing for the county administrator position.

Agriculture & Forestal District

No report.

Blacksburg Planning Commission

No report.

Christiansburg Planning Commission

Mr. Rice stated the Christiansburg Planning Commission is working on a proposed rezoning along county border near Route 114, however, the request was denied by council.

Economic Development Committee

Mr. Moore reported that Brian Hamilton was hired as Economic Development Director.

Public Service Authority

Mr. Wells stated the PSA held a meeting regarding maintenance to the north bound rest area, if closed.

Parks & Recreation

A workshop was held regarding the master plan.

Radford Planning Commission

Mr. Miller stated he attended the last meeting and invited the City of Radford Commission members and staff to attend the meeting regarding new development along 177 corridor.

School Board- Bill Seitz

No report.

Transportation Safety Committee- Malvin Wells

Mr. Wells stated VDOT does not have a policy or procedure for closing rest areas. The North bound exit 109 rest area will be barricaded.

Planning Director's Report

Mr. Sandy noted the June 17th meeting would be cancelled.

There being no further business, the meeting was adjourned at 9:10 pm.